

FILED
US DISTRICT COURT
DISTRICT OF NEBRASKA

JUL 14 2005

OFFICE OF THE CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	8:05CV199
)	
\$114,980.00 IN UNITED STATES)	ORDER
CURRENCY,)	
)	
Defendant.)	

NOW ON THIS 14th day of July, 2005 this matter comes on before the Court upon the Stipulation of the parties (Filing No 15). The Court reviews the file and the Stipulation, and, being duly advised on the premises, finds as follows:

1. Twenty-eight thousand seven hundred forty-five dollars of the Defendant property should be returned to the Claimants, Dagoberto Fernandez and Venancio Gonzalez, by delivering the same to the trust account of their attorney of record, William C. Bracker.

2. Pursuant to this Court's Order dated May 17, 2005 (Filing No. 8), the United States Marshal for the District of Nebraska ("Marshal") has published notice of his intent to dispose of the property in such a manner as the Attorney General may direct. An Affidavit of Publication was filed herein on July 7, 2005 (Filing No. 13). In response to said published notice, no person or

entity has filed a Petition setting forth any legal or equitable interest in the Defendant property.

3. The balance of the Defendant property, viz., \$86,235.00 in United States currency, should be forfeited to the United States.

4. The parties' Stipulation should be approved.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

A. The parties' Stipulation is hereby approved.

B. Twenty-eight thousand seven hundred forty-five dollars of the Defendant property shall be returned to the Claimants, Dagoberto Fernandez and Venancio Gonzalez, by delivering the same to their attorney of record, William C. Bracker. The Marshal shall deliver said amount by making payment to William C. Bracker's Trust Account.

C. Pursuant to this Court's Order dated May 17, 2005 (Filing No. 8), the Marshal has published notice of his intent to dispose of the property in such a manner as the Attorney General may direct. An Affidavit of Publication was filed herein on July 7, 2005 (Filing No. 13). No person or entity has filed a Petition, in response to said published notice, setting forth any legal or equitable interest in the subject property.

D. The remaining Defendant property, viz., \$86,235.00 in United States Currency, is hereby forfeited to the United States. All right, title or interest in or to the Defendant property held by any person or entity is hereby forever barred and foreclosed.

E. The Marshal shall dispose of said \$86,235.00 in United States Currency in accordance with law.

F. Upon Mr. Bracker's receipt of the \$28,745.00 in United States Currency, as mentioned above, Mr. Bracker shall file a Receipt for said amount. Upon the filing of said Receipt, this Court shall enter a Judgment in this action.

BY THE COURT:



THOMAS D. THALKEN
UNITED STATES MAGISTRATE JUDGE


Prepared and submitted by:

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Approved as to form and content:

\$114,980.00 IN UNITED STATES
CURRENCY, Defendant, and
DAGOBERTO FERNANDEZ and VENANCIO
GONZALEZ, Claimants

By:



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